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OFFICE OF PETITIONS

In re Application of	:	
J. David Carlson, et. al.	:	
Application No. 10/809,084	:	ON PETITION
Filed: March 25, 2004	:	
Attorney Docket No. IR-2803 (EV) CIP	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 21, 2005, to revive the above-identified application.

The application became abandoned for failure to respond to the Notice to File Corrected Application Papers mailed October 18, 2004. A Notice of Abandonment was mailed on July 15, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office also acknowledges receipt of a specification, preliminary amendment and a four (4) month extension of time filed on July 21, 2005. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1,590 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions